

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVON LYMON,

Plaintiff,

vs.

No. CIV 08-0386 JB/DJS

ARAMARK CORPORATION, JOSEPH NEUBAUER,
CHARLIE CARRIZALES, BERTHA BENAVIDEZ,
JOHN SANCHEZ IN HIS OFFICIAL CAPACITY
AND INDIVIDUAL CAPACITY, ABNER HERNANDEZ,
IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,
JOE WILLIAMS as SECRETARY
OF THE NEW MEXICO DEPARTMENT
OF CORRECTIONS IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY, and the NEW MEXICO
DEPARTMENT OF CORRECTIONS,

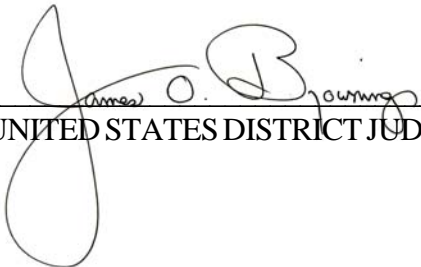
Defendants.

ORDER

THIS MATTER comes before the Court on the Court's Order Granting the State Defendants' Unopposed Motion to Stay Proceedings, filed April 13, 2010 (Doc. 83). The Court held a scheduling conference on July 27, 2010. The Court's April 13, 2010 Order granted a stay of all proceedings in the case, including discovery, on the basis that Defendants John Sanchez, Abner Hernandez, Joe Williams, and the New Mexico Department of Corrections were awaiting resolution of a rule 12(b)(6) motion to dismiss, which sought dismissal with prejudice of all counts against them. The primary issue is whether the Court should lift the stay, now that the Court has decided the pending motions to dismiss that necessitated a stay of all proceedings in the case. At the scheduling conference, the Court conferred with counsel for the remaining parties, and all counsel present were in agreement that the stay should be lifted and that the case should move forward. For

the reasons stated on the record and for other reasons consistent with those already stated, the Court will lift the stay of proceedings.

IT IS ORDERED that the stay of proceedings, including discovery, is lifted, and the case should proceed pursuant to the Court's scheduling order.



UNITED STATES DISTRICT JUDGE

Counsel:

Solomon Brown
Albuquerque, New Mexico

Attorney for the Plaintiff

Theresa W. Parrish
Rodey, Dickason, Sloan, Akin & Robb, P.A.
Albuquerque, New Mexico

*Attorneys for Defendants Aramark Correctional
Services, LLC, Joseph Neubauer, and
Charlie Carrizales*

Sean Olivas
Javier F. Junco
Keleher & McLeod, P.A.
Albuquerque, New Mexico

*Attorneys for Defendants John Sanchez,
Abner Hernandez, Joe Williams, and
New Mexico Department of Corrections*

James R. Wood
Rachel Reinsvold
Miller Stratvert, P.A.
Albuquerque, New Mexico

Attorneys for Defendant Wexford Corporation